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#12
01/06/03 2171

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

| | |
|------------------------|-------------------|
| Application Number | 09/709,187 |
| Filing Date | November 10, 2000 |
| First Named Inventor | Raccah, et al |
| Group Art Unit | 2171 |
| Examiner Name | Not yet assigned |
| Attorney Docket Number | 2500082-991100 |

ENCLOSURES (check all that apply)

| | | |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement with 05 references <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): Postcard |
| Remarks | | |

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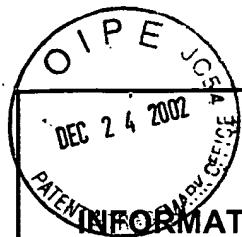
SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

| | |
|-------------------------|---|
| Firm or Individual name | David L. Alberti (Reg. No. 43,465) Gray, Cary Ware & Freidenrich |
| Signature | |
| Date | December 16, 2002 |

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents, Washington, DC 20231 on this date: December 16, 2002

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| Typed or printed name | Susan Pingue |
| Signature | |
| Date | December 16, 2002 |

#12
01/06/03INFORMATION DISCLOSURE
STATEMENT

| | |
|----------------------|-------------------------|
| Applicants: | Raccah, et al. |
| Application No. | 09/709,187 |
| Filed: | November 10, 2000 |
| For: | Scalable Storage System |
| Group Art Unit: | 2171 |
| Examiner: | Not yet assigned |
| Attorney Docket No.: | 2500082-991100 |

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Dear Sir:

In accordance with the provisions of 37 C.F.R. § 1.56(a) and 37 C.F.R. § 1.97, Applicant(s) hereby make of record the references listed on the accompanying Form PTO-1449 for consideration by the Examiner in connection with the examination of the above-identified patent application.

This Information Disclosure Statement:

- (a) accompanies a new patent application submitted herewith.
- (b) is filed within three (3) months of the Filing Date or before the mailing date of a First Office Action on the merits; OR
- (c) after the period defined in (b) but before the mailing date of a Final Rejection or Notice of Allowance, OR
- (d) is filed after the first Office Action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned prior to the mailing date of either a final rejection or a notice of allowance, and is accompanied by the fee (\$180) set forth in 37 CFR § 1.17(p). OR
- (d) is filed after the mailing date of either a final rejection or a notice of allowance, and the issue fee has not been paid, and is accompanied by the requisite petition fee (\$130) set forth in 37 CFR § 1.17(l)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

As required under § 1.97(e), Applicants, through the undersigned, hereby state either that [check the appropriate space]:

- (f) Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or
- (g) No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

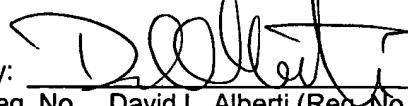
It is respectfully requested that each of the references shown on the attached Form PTO-1449 be made of record in this application. Copies of the references are enclosed

The Commissioner is authorized to charge any deficiencies and credit any overpayment of fees to our Deposit Account No. 07-1896.

Respectfully submitted,

Date: December 16, 2002

GRAY CARY WARE & FREIDENRICH LLP

By: 

Reg. No. David L. Alberti (Reg. No. 43,465)
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650-833-2052

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